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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,145	01/28/2004	Eun Hye Choi	248156US2RD	9722
22850 7590 01/07/2009 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER LE, MIRANDA				
ART UNIT 2169		PAPER NUMBER		
NOTIFICATION DATE 01/07/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/765,145

Applicant(s)

CHOI ET AL.

Examiner

MIRANDA LE

Art Unit

2169

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 December 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1 and 4-21.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Miranda Le/
Primary Examiner, Art Unit 2169

Continuation of 3. NOTE: Claims 1, 19, 20, 21 have been amended to incorporate not only limitations of claims 8, 13, 14, but some new issues that would require further consideration and/or search .

Continuation of 11. does NOT place the application in condition for allowance because: Regarding claims 1, 19, 20, 21, in response to Applicant's arguments with respect to Holenstein, Schrader, Peir do not suggest/teach the limitation of claims 7, 14, 17, respectively, the Examiner notes that the Supreme Court has held that "a patent for a combination which only unites old elements with no change in their respective functions... obviously withdraws what is already known into the field of its monopoly and diminishes resources available to skillful men... The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." KSR Int'l Co. v. Teleflex Inc., 2007 U.S. LEXIS 4745, (U.S. 2007). Thus, all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to a skilled artisan at the time the invention was made. Accordingly, as detailed in the final office action, these references, as combined, have read on the limitations of claims 7, 14, 17. Holenstein teaches all the claimed limitations of claims 7, 14, 17. Holenstein teaches the concurrency control method of claim 13, wherein when there is a number of shared copies that can be recorded, those shared copies which have a higher possibility of being utilized at a time of reproducing a state in which the reading access is to be made later on are recorded at a higher priority, among the shared copies corresponding to states at times of the writing accesses with respect to the data (i.e. Send the queued transactions that do not cause any collision to the other nodes in their order of occurrence. For example, transactions that caused collisions can be identified by comparing a unique record indicia (such as a unique primary key) across the nodes; those that were updated on multiple nodes during the asynchronous period have collided, col. 26, lines 64 to col. 27, line 3). Although it is understood that "upper limit" can be equated to sending the queued transactions that do not cause any collision to the other nodes in their order of occurrence, Peir reference was also used to further demonstrate how the claimed limitation was expressly read by the prior art. Moreover, Holenstein and Peir disclose "data" but seem to not explicitly disclose the "hierarchical data", Schrader fairly teaches that "The database module 1403 preferably stores the user's data in combined relational-hierarchical data model, and A hierarchical model is used to organize accounts per financial institution, such that all transactions for each account are stored with the account, col. 13, line 65 to col. 14, line 19)". Therefore, it would have been obvious to one of ordinary skill of the art having the teaching of Holenstein, Peir, and Schrader at the time the invention was made to modify the system of Holenstein, to include "upper limit" as taught by Peir, and "hierarchical data" as taught by Schrader. One of ordinary skill in the art would be motivated to make this combination because it would reduce the impact of cache line invalidation, in view of Peir (col. 2, line 63 to col. 3, line 2); and, it would as well provide a better transactional system using a hierarchical model to organize accounts per financial institution, such that all transactions for each account are stored with the account, in view of Schrader (col. 13, line 65 to col. 14, line 19).

Hence, Applicant's arguments have been fully considered but are not persuasive.